

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

Health Discovery Corporation

Plaintiff,

v.

Intel Corporation

Defendant.

Civil Action No. 6:20-cv-00666-ADA

The Honorable Judge Alan D. Albright

**JURY TRIAL DEMANDED**

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**CASE STATUS READINESS REPORT**

Plaintiff Health Discovery Corporation (“HDC”) and Defendant Intel Corporation (“Intel”) hereby provide the following status report in advance of the initial Case Management Conference (CMC).

**FILING AND EXTENSIONS**

Plaintiff’s Complaint was filed on July 23, 2020 (Dkt. No. 1). Intel’s unopposed motion for extension (Dkt. No. 9) was granted, and Intel’s deadline to Answer was extended until October 19, 2020

**RESPONSE TO THE COMPLAINT**

On October 19, 2020, Intel filed its Motion to Dismiss (Dkt. No. 12). HDC’s unopposed motion for extension of time to file its response (Dkt. No. 15) was granted, and HDC’s response is due on November 23, 2020. Intel’s reply is due on December 7.

**PENDING MOTIONS**

On October 19, 2020, Intel filed its Motion to Dismiss (Dkt. No. 12). HDC’s unopposed motion for extension of time to file its response (Dkt. No. 15) was granted, and HDC’s response

is due on November 23, 2020. Intel's reply is due on December 7.

**RELATED CASES IN THIS JUDICIAL DISTRICT**

There are no related cases in this Judicial District.

**IPR, CBM, AND OTHER PGR FILINGS**

There are no known IPR, CBM, or other PGR filings.

**NUMBER OF ASSERTED PATENTS AND CLAIMS**

In its Complaint, HDC alleges infringement of all claims of the four asserted patents, for a total of 103 claims.

**APPOINTMENT OF TECHNICAL ADVISER**

The parties believe that a technical advisor would be useful for this case, but will not be required for Intel's motion to dismiss.

**MEET AND CONFER STATUS**

Plaintiff and Defendant conducted a meet & confer conference. The parties identified the following pre-Markman issue to raise at the CMC:

***Narrowing of Asserted Claims***

**Intel's View:**

Intel asserts that, to eliminate wasteful activities and begin focusing the issues for litigation, the Court should enter an order in advance of the Preliminary Infringement Contentions requiring HDC to reduce its asserted claims in that submission to no more than 32 total, and no more than 10 per patent. In the interim, Intel believes that the parties should meet and confer to agree on an

appropriate schedule to further reduce the number of asserted claims in advance of the *Markman* process, expert reports, and trial.

**HDC's View:**

HDC sees this request as premature under the Court's Order Governing Proceedings for Patent Cases and likely unnecessary at all. Plaintiff was not required to identify the asserted claims in its Complaint, and is not required to do so until seven days before the CMC. Until HDC has specifically named its asserted patent claims, there is nothing to argue about. Further, until Intel serves its invalidity contentions, it would be unfair to require HDC to narrow the number of asserted claims. HDC suggests meeting and conferring with Intel regarding the issue after Defendant's invalidity contentions have been served. All of this should be complete before the claim construction process begins, and if there are still more claims at issue than Intel accepts, then Defendant can ask for an extension of the *Markman* dates.

Dated: October 29, 2020

Respectfully submitted,

By: /s/ Erick S. Robinson

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*Attorneys for Defendant Intel Corporation*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic service are being served today, October 29, 2020, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(b)(1).

/s/ Erick Robinson

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